

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARTHA BAUTISTA,

Defendant and Judgment Debtor.

STANISLAUS COUNTY HEALTH
SERVICES AGENCY,

Garnishee.

Case No.: 1:20-MC-00113-AWI-SKO

**[PROPOSED] ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS AND FINAL
ORDER OF GARNISHMENT**

Criminal Case No.: 1:05-CR-00182-AWI

(Doc. Nos. 1, 10, 11)

On October 30, 2020, the United States filed an Application for Writ of Continuing Garnishment (wages) against defendant and judgment debtor Martha Bautista's ("Bautista") non-exempt wages, bonuses, commissions, earnings or salary, and it requested to receive the statutorily authorized litigation surcharge. ECF 1. The Clerk of the Court issued the Writ and Clerk's Notice of Instructions to the Judgment Debtor. ECF 4, 5. The United States served the Writ and related documents on Stanislaus County Health Services Agency ("Garnishee") and Bautista. ECF 6, 7, 8.

On December 11, 2020, the Garnishee filed its Acknowledgment of Service and Answer of Garnishee stating that Bautista is an employee of the Garnishee. *See* ECF 9. Bautista did not file a

claim of exemption to the proposed garnishment, did not object to the Garnishee's answer, did not request a hearing, and did not otherwise object to the United States' garnishment action.

Pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 302, on January 14, 2021, the Magistrate Judge issued findings and recommendations that recommended that the United States' request for final order of garnishment be granted and ordered that any objections were due within fourteen days after service. ECF 11. The United States served the findings and recommendations on Bautista on January 15, 2021. ECF 12. Bautista did not object, and the time to do so has passed.

In accordance with 28 U.S.C. § 636(b)(1)(C), the Court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the Court concludes that the Magistrate Judge's findings and recommendations are supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERD that:

1. The January 14, 2021, Findings and Recommendations (Doc. No. 11) is ADOPTED IN FULL;
2. The United States' request for Final Order of Garnishment (Doc. Nos. 1, 10) is GRANTED;
3. Garnishee Stanislaus County Health Services Agency is directed to pay the Clerk of the United States District Court twenty-five percent (25%) of Martha Bautista's ongoing and non-exempt disposable wages, earnings, commissions, and bonuses;
4. Garnishee Stanislaus County Health Services Agency is directed to pay the Clerk of the United States District Court the amount of non-exempt disposable wages, earnings, commissions, and bonuses already withheld as a result of the writ, within fifteen (15) days of the filing of an order adopting these Findings and Recommendations;
5. Garnishee Stanislaus County Health Services Agency is directed to make payment in the form of a cashier's check, money order or company draft, made payable to the Clerk of the Court and delivered to the United States District Court, Eastern District of California, 501 I Street, Room 4-200, Sacramento, California 95814. The criminal docket number (1:05-CR-00182-AWI) shall be stated on the payment instrument;

6. Garnishee Stanislaus County Health Services Agency shall garnish \$15,973.87 of Bautista's wages, representing the litigation surcharge, once the judgment balance of \$160,709.30¹ is satisfied. Garnishee shall pay the litigation surcharge to the United States Department of Justice via a single payment within twenty (20) days of the garnished wages accumulating to the \$15,973.87 surcharge amount;
7. To make its payment to the Department of Justice, Garnishee Stanislaus County Health Services Agency shall deliver a cashier's check, money order or company draft in the sum of \$15,973.87 made payable to the "United States Department of Justice" and mailed overnight to the U.S. Bank Government Lockbox, Attn: DOJ Production Manager/Box 790363, 1005 Convention Plaza, SL-MO-C2G1, St. Louis, MO 63101. The check shall state "CDCS Number 2005A41126" on the face of the check;
8. The Court shall retain jurisdiction to resolve matters through ancillary proceedings in the case, if necessary; and
9. This garnishment shall be terminated when (1) the United States seeks to terminate the writ or (2) when the judgment and litigation surcharge are fully satisfied.

IT IS SO ORDERED.

Dated: February 3, 2021



SENIOR DISTRICT JUDGE

¹ Interest accrues on this debt.